

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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HONOLULU, HAWAII 96809

**Testimony of  
CARTY S. CHANG  
Interim Chairperson**

**Before the House Committees on  
WATER & LAND  
and  
OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS**

**Friday, April 17, 2015  
11:00 AM  
State Capitol, Room 325**

**In consideration of  
SENATE CONCURRENT RESOLUTION 24, SENATE DRAFT 1  
AUTHORIZING THE ISSUANCE OF A TERM LEASE AND NON-EXCLUSIVE  
EASEMENT FOR PIER PILINGS ENCROACHMENT PURPOSES AT PULAWAI, ON  
THE ISLAND OF LANAI**

Senate Concurrent Resolution 24, Senate Draft 1 requests the authorization to issue a term lease of fifty-five years and non-exclusive easement for an estimated 585 square feet, more or less,<sup>1</sup> located seaward of Tax Map Key: (2) 4-9-017:002, at Pulawai, Lanai, for pier pilings encroachment purposes, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources ("Department") supports this concurrent resolution.**

The current owner of the abutting property, Lanai Resorts, LLC, dba Pulama Lanai, worked with the Department to resolve the encroachment. The encroachment was identified on state lands located makai of the shoreline and such area should be considered as submerged lands. As required by Section 171-53, HRS, the Board of Land and Natural Resources ("Board") may lease submerged lands "with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution". At its meeting on June 13, 2014, under agenda item D-11, the Board approved the issuance of a term, non-exclusive easement for purposes stated above.

The grantee shall pay the State the fair market value of the easement as consideration for the use of public lands. The amount of consideration shall be determined by an independent appraisal.

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<sup>1</sup> The easement area is subject to review and confirmation by the State Surveyor.

**CARTY S. CHANG**  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**KEKOA KALUHIWA**  
FIRST DEPUTY

**W. ROY HARDY**  
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony for  
Committee on Water & Land  
Committee on Ocean, Marine Resources, & Hawaiian Affairs  
Friday, April 17, 2015, 11:00 a.m., Room 325

Representative Ryan I. Yamane, Chair  
Representative Ty J.K. Cullen, Vice-Chair

Representative Kaniela Ing, Chair  
Representative Nicole E. Lowen, Vice Chair

**SCR 24 AUTHORIZING THE ISSUANCE OF A TERM LEASE AND NON-EXCLUSIVE EASEMENT FOR PIER  
PILINGS ENCROACHMENT PURPOSES AT PULAWAI, ON THE ISLAND OF LĀNAʻI**

Dear Chairs Yamane and Ing, and Members of the Committees:

This letter is in **STRONG SUPPORT** of SCR 24 which authorizes a 55 year term lease and non-exclusive easement for the pier pilings on Lānaʻi. The pier pilings are the remnants of the cattle chute constructed in the early McCrory, Senior Vice President of Government Affairs for Pūlama lanai. Pūlama Lānaʻi is the entity that has been set up to manage the assets and to work with the community and government as we move the island of Lānaʻi toward sustainability.

The pier pilings are a State Historic Preservation Division (SHPD) site, #1522, and are the last remnants of what once was a cattle ranching operation that ended in the 1950's. The Office of Conservation and Coastal Lands (OCCL) confirmed that the pier piling remnants are non-conforming use and no further permits were needed from OCCL. The options were to remove the pier pilings or apply for the easement. Pūlama Lānaʻi prefers to retain the pier pilings because of their historical significance. We held a community meeting on this subject and the community submitted testimony in support of the easement to the Board of Land and Natural Resources.

All documents have been submitted to the Land Division to finalize the easement. We humbly ask that you support SCR 24. Mahalo!

Me ke aloha pumehana  
With warm aloha,

Lynn P. McCrory  
Senior Vice President of Government Affairs